

REMARKS

Claims 1 and 2 are canceled herein. Claims 3, 7 and 12 are amended herein. Support for the Amendment is found, for example, in the original claims and on page 72 in the specification. No new matter is introduced. Accordingly, upon entry of the Amendment, claims 3-22 will be all of the claims pending before the Examiner for examination.

I. Response to Double Patenting Rejections

Paragraph 3

Claims 1-2 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 28, 30-31 and 33 of copending Application No. 09/907,611.

Claims 1 and 2 are canceled herein, thereby obviating the provisional rejection. Accordingly, Applicants respectfully request withdrawal of the rejection.

Paragraph 4:

Claims 1-2 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as allegedly being unpatentable over claims 1-20 of copending Application No. 10/669,696 (US 2004/0063034).

Claims 1 and 2 are canceled herein, thereby obviating the provisional rejection. Accordingly, Applicants respectfully request withdrawal of the rejection.

Paragraph 5:

Claims 1-2 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 6-12 and 15-20 of copending Application No. 10/673,332 (US 2004/0072101 A1).

Claims 1 and 2 are canceled herein, thereby obviating the provisional rejection. Accordingly, Applicants respectfully request withdrawal of the rejection.

II. Claim Rejections - 35 U.S.C. § 102

Paragraph 7:

Claims 1-22 are rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by Oshima (EP 1 176 467 A1).

Claims 1-2 and 5 are canceled herein, thereby rendering the rejection as to these claims moot.

Claim 3 is amended herein to recite that the binder polymer of the first layer has a repeating structural unit of formula (I), which is not disclosed by Oshima et al. Therefore, for at least this reason, Oshima et al does not anticipate the presently claimed invention as recited in amended claim 3. Claims 6-10 depend from claim 3 and are distinguished over Oshima et al for at least the same reason. Independent claim 11 also recites that the binder polymer in first layer has a repeating structural unit of formula (I) and therefore, for at least this reason, claim 11 and dependent claims 12-22 are not anticipated by Oshima et al.

In view of the above, Applicants respectfully request withdrawal of the rejection over Oshima et al.

Paragraph 8:

Claims 1-2 are rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by Yanaka (US 2003/0068575 A1).

Claims 1 and 2 are canceled herein, thereby rendering the rejection moot. Accordingly, Applicants respectfully request withdrawal of the rejection.

Paragraph 9:

Claims 1-2 are rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by Goto (US 2004/0063034 A1).

Claims 1 and 2 are canceled herein, thereby rendering the rejection moot. Accordingly, Applicants respectfully request withdrawal of the rejection.

III. Conclusion


In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

AMENDMENT UNDER 37 C.F.R. § 1.111
U.S. APPLN. 10/671,776

ATTY DKT Q77307

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,


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